

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-12 remain pending in the present application. No new matter has been added.¹

By way of summary, the Office Action presented the following issues: Claims 1-2 and 5-11 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent App. Publ'n No. 2004/0261093 to Rebaud et al. (hereinafter “Rebaud”) in view of U.S. Patent App. Publ'n No. 2005/0203853 to Yamamoto et al. (hereinafter “Yamamoto”); Claims 3-4 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto and Official Notice; and Claim 10 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

REJECTIONS UNDER 35 U.S.C. § 103

Independent Claims 1 and 10-11 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto. Although those claims patentably distinguish over the applied references without amendment, Applicant has amended those claims to expedite prosecution.

Amended Claim 1 is directed to a content processing apparatus including, in part,

a reproduction permission/inhibition decision section
that reads out a source ID from a content file and decides
whether one of the contents included in the content file is
reproducible based on whether the source ID is included in [a]
first source ID list; and

a title list production section that produces a list of title
information of the contents such that a display of the title
information of the one of the contents which has been decided,
based on the source ID not being included in said first source
ID list, to be non-reproducible . . . can be distinguished from a
display of the title information of the one of the contents if the
one of the contents has been decided to be reproducible.

¹ The amendments to independent Claims 1 and 10-11 find support at least in Figure 33 and in its accompanying text in the specification.

Rebaud and Yamamoto do not disclose or suggest those features.

Rebaud concerns a media service delivery system in which a client device sends its device ID to a system server.² Further to Rebaud, “the system server 100 compares the device ID 225 against the list 111 of approved device IDs . . .”³ According to Rebaud, that “device ID may include one or more of OEM ID 305, model number 310, serial number 315, MAC address 320, and digital signature 325 . . .”⁴

That is, Rebaud merely describes comparing a device ID against a list of approved device IDs. Rebaud does not disclose or suggest that the device ID is read out from a content file including one of the contents.

Rebaud does not disclose or suggest “a reproduction permission/inhibition decision section that reads out a source ID from a content file and decides whether one of the contents included in the content file is reproducible based on whether the source ID is included in [a] first source ID list,” as recited in amended Claim 1.

Yamamoto concerns a display of grayed out buttons for content that is not playable.⁵ Further, Yamamoto describes a content playability judgment processing in which whether the content is playable is judged based on playability information, whether a rights key exists, and a playback count and playback expiration.⁶

Yamamoto does not disclose or suggest that the content playability judgment processing is based on a source ID not being included in a source ID list. Yamamoto does not disclose or suggest “a reproduction permission/inhibition decision section that reads out a source ID from a content file and decides whether one of the contents included in the content

² Rebaud, para. [0044].

³ Id., para. [0045].

⁴ Id., para. [0039].

⁵ Yamamoto, para. [0112].

⁶ Id., paras. [0145]-[0146], [0153].

file is reproducible based on whether the source ID is included in [a] first source ID list,” as recited in amended Claim 1.

Thus, Rebaud and Yamamoto, taken alone or in combination, fail to disclose or suggest “a reproduction permission/inhibition decision section that reads out a source ID from a content file and decides whether one of the contents included in the content file is reproducible based on whether the source ID is included in [a] first source ID list,” as recited in amended Claim 1.

For at least the foregoing reasons, amended Claim 1 and all associated dependent claims patentably distinguish over any proper combination of Rebaud and Yamamoto.

For at least analogous reasons, independent Claims 10-11 patentably distinguish over any proper combination of Rebaud and Yamamoto.

Further, dependent Claims 3-4 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto and Official Notice. Although the Office Action cited two references as evidence for its taking of Official Notice,⁷ the Office Action did not rely on those references in rejecting Claims 3-4.⁸ Even assuming those references stand for the proposition for which they were cited, the Office Action did not evaluate whether it would have been obvious to modify the Rebaud media service delivery system to delete content as recited in dependent Claims 3-4. Accordingly, Applicant maintains the traversal of the taking of Official Notice in the rejection of Claims 3-4.

REJECTION UNDER 35 U.S.C. § 101

Claim 10 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. The Amendment filed March 1, 2011, is believed to have addressed that rejection. Further, the Advisory Action issued March 28, 2011, indicated that Amendment would be

⁷ Office Action at 6.

⁸ Id. at 12.

entered. Nevertheless, the Advisory Action did not indicate the rejection would be withdrawn. Applicant requests reconsideration of the rejection in view of the amended form of Claim 10 presented in the Amendment filed March 1, 2011.

NEW CLAIM

Applicant has added new Claim 12 to set forth the invention of Claim 1 in a varying scope. Claim 12 finds support at least in Figure 34 and in its accompanying text in the specification. Thus, no new matter has been added. New Claim 12 is allowable by virtue of its dependency and for the more detailed features presented by the new claim.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted the present application is patentably distinguished over the applied references. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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